

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 03113P-11/43	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/005093	International filing date (day/month/year) 12.05.2004	Priority date (day/month/year) 11.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant BUNDESDRUCKEREI GMBH		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input checked="" type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-17 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-26 _____ received by this Authority on 28.12.2004 with letter
- nos.* _____ received by this Authority on of 23.12.2004
- ☒ the drawings:
- sheets 1/4-4/4 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. II Priority

1. ☒ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☒ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	1-26	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report refers to the following documents:

D1: DE 101 34 977 A (GIESECKE & DEVRIENT GMBH),
6 February 2003 (2003-02-06)

D2: DE 197 08 543 A (BUNDESDRUCKEREI GMBH),
17 September 1998 (1998-09-17)

D3: EP 1 138 743 A (NAKATSUKA KATSUTO; NITTETSU
MINING CO LTD (JP)), 4 October 2001 (2001-10-04)

D4: DE 31 21 523 A (GAO GES AUTOMATION ORG),
15 April 1982 (1982-04-15)

2.1 The invention relates to a value document with at least one security element containing electroluminescent pigments applied to a substrate in a marking area, with pigment cores surrounded by a specific optically active coating as defined in claim 1. Claim 13 describes a method for producing a value document as defined in (for example) claim 1.

2.2 Value documents to which coated electroluminescent pigments have been applied are already known from document D1 (DE-A-101 34 977) and document D2 (DE-A-197 08 543). In D1 the electroluminescent pigment

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

particles are preferably surrounded with, for example, silicate shells (see page 5, lines 34 to 42, and claims 1 to 30). Document D2, which is mentioned in the description as the closest prior art, also discloses a value document treated with coated electroluminescent pigments (see D2, column 5, lines 51 to 60, and claims 1 to 22). Other electroluminescent pigments are known from document D3 (EP-A-1 138 743) and document D4 (DE-A-31 21 523).

However, the features specified in the characterising part of claim 1 are not found in either D1, D2, D3 or D4. The application therefore meets the requirement of PCT Article 33(2).

Moreover, a person skilled in the art working from D2 would not find anything in D1, D3 or D4 to suggest using the coating specified in the characterising part of claim 1 on the pigment cores. The idea of modifying the coating of D2 accordingly is therefore not obvious, and hence the subject matter of claims 1 and 13 can also be considered inventive (PCT Article 33(3)).

- 2.3 The individual features of the current dependent claims relate to specific embodiments of the invention according to claims 1 and 13, and therefore also meet the requirements of PCT Article 33(2) and (3).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

3.1 The phrase "has an emission spectrum (figure 6a)" is unclear (PCT Article 6) because it contains a reference to the drawings. The reference to "figure 6a" should be deleted.

The same applies to claims 9 to 11.